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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

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 14 JOHN EARL CAMPBELL,) NO. C05-5434 MJJ (EDL)
 15 Plaintiff,)
 16 v.) **PLAINTIFF'S SEPARATE STATEMENT OF**
 17) **DOCUMENT REQUESTS IN DISPUTE IN**
 18) **SUPPORT OF MOTION TO COMPEL**
 19) **DISCOVERY**
 20)
 20 NATIONAL RAILROAD PASSENGER) DATE: May 8, 2007
 21 CORPORATION dba AMTRAK, JOE) TIME: 9:00 a.m.
 22 DEELY, and DOES 1-15, inclusive,) DEPT.: Courtroom E, 15th Floor
 23 Defendants.) HON. ELIZABETH D. LAPORTE

24
 25 DISCOVERY CUT-OFF: March 23, 2007
 26 TRIAL DATE: July 23, 2007
 27
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25 **DISCOVERY MATTER**

1 Pursuant to Local Rule 37-2, Plaintiff JOHN CAMPBELL submits the following
 2 Requests for Production of Documents verbatim propounded to Defendant NATIONAL
 3 RAILROAD PASSENGER CORPORATION d.b.a. AMTRAK, and the responses received
 4 verbatim. The reason to compel disclosure of the information is detailed in Plaintiff's Memorandum
 5 of Points and Authorities and the Declaration of Pamela Y. Price filed and served concurrently
 6 herewith.

7 **REQUEST NO. 17.**

8 All **DOCUMENTS** which **REFLECT, RELATE or REFER TO** Defendant Joe DEELY's
 9 employment with Defendant AMTRAK, including but not limited to DEELY's personnel file or
 10 files; the "folder," "jacket" or other container of each such file and any attachments thereto, any
 11 discipline records, promotion applications to ANY and ALL positions held and all files maintained
 12 by individual supervisors or others employed by Defendant AMTRAK.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

14 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 15 Defendant further objects to this request as seeking information neither relevant to the claim or
 16 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 17 Defendant also objects to this request to the extent it seeks to obtain information or materials
 18 protected from disclosure by the California Constitutional right of privacy and/or the federally
 19 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 20 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 21 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally
 22 protected information has the burden of establishing that the information sought is directly relevant
 23 to the claims."); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 24 FRD 518, 524.

1 **REQUEST NO. 18.**

2 All **DOCUMENTS** which **REFLECT, RELATE or REFER TO** Jason Garmon's employment
 3 with Defendant AMTRAK, including but not limited to Garmon's personnel file or files; the
 4 "folder," "jacket" or other container of each such file and any attachments thereto, any discipline
 5 records, promotion applications to ANY and ALL positions held, and all files maintained by
 6 individual supervisors or others employed by Defendant AMTRAK.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

8 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 9 Defendant further objects to this request as seeking information neither relevant to the claim or
 10 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 11 Defendant also objects to this request to the extent it seeks to obtain information or materials
 12 protected from disclosure by the California Constitutional right of privacy and/or the federally
 13 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 14 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 15 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally
 16 protected information has the burden of establishing that the information sought is directly relevant
 17 to the claims."); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 21 FRD 518, 524. Subject to and without waiving the foregoing, Amtrak responds as follows:
 22
 23 Notwithstanding Amtrak's objections above, Amtrak previously produced applications and related
 24 records that it received in response to the jobs/vacancies to which Plaintiff contends he applied. To
 25 the extent Jason Garmon applied for any such position, his application and supporting
 26 documentation were produced.

27 **REQUEST NO. 19.**

28 All **DOCUMENTS** which **REFLECT, RELATE or REFER TO** Michael Poirier's employment

1 with Defendant AMTRAK, including but not limited to Poirier's personnel file or files; the "folder,"
 2 "jacket" or other container of each such file and any attachments thereto, any discipline records,
 3 promotion applications to ANY and ALL positions held, and all files maintained by individual
 4 supervisors or others employed by Defendant AMTRAK.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

6 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 7 Defendant further objects to this request as seeking information neither relevant to the claim or
 8 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 9 Defendant also objects to this request to the extent it seeks to obtain information or materials
 10 protected from disclosure by the California Constitutional right of privacy and/or the federally
 11 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 12 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 13 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally
 14 protected information has the burden of establishing that the information sought is directly relevant
 15 to the claims."); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 16 FRD 518, 524. Subject to and without waiving the foregoing, Amtrak responds as follows:
 17 Notwithstanding Amtrak's objections above, Amtrak previously produced applications and related
 18 records that it received in response to the jobs/vacancies to which Plaintiff contends he applied. To
 19 the extent Michael Poirier applied for any such position, his application and supporting
 20 documentation were produced.

21 **REQUEST NO. 20.**

22 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of K. Marty's
 23 including but not limited to Marty's personnel file or files, discipline records, promotion application
 24 and including but not limited to the "folder," "jacket" or other container of each such file and any

1 attachments thereto and all files maintained by individual supervisors or others employed by
 2 Defendant AMTRAK.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

4 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 5 Defendant further objects to this request as seeking information neither relevant to the claim or
 6 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 7 Defendant also objects to this request to the extent it seeks to obtain information or materials
 8 protected from disclosure by the California Constitutional right of privacy and/or the federally
 9 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
 10 Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 11 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 12 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 13 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally
 14 protected information has the burden of establishing that the information sought is directly relevant
 15 to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
 16 Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 17 FRD 518, 524. Subject to and without waiving the foregoing, Amtrak responds as follows:
 18 Notwithstanding Amtrak’s objections above, Amtrak previously produced applications and related
 19 records that it received in response to the jobs/vacancies to which Plaintiff contends he applied. To
 20 the extent K. Marty applied for any such position, his application and supporting documentation
 21 were produced.

22 **REQUEST NO. 21.**

23 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of F.J. Caron,
 24 including but not limited to Caron’s personnel file or files, discipline records, promotion application
 25 and including but not limited to the “folder,” “jacket” or other container of each such file and any
 26 attachments thereto and all files maintained by individual supervisors or others employed by
 27 Defendant AMTRAK.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

2 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 3 Defendant further objects to this request as seeking information neither relevant to the claim or
 4 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 5 Defendant also objects to this request to the extent it seeks to obtain information or materials
 6 protected from disclosure by the California Constitutional right of privacy and/or the federally
 7 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
 8 Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 9 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 10 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 11 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally
 12 protected information has the burden of establishing that the information sought is directly relevant
 13 to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
 14 Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 15 FRD 518, 524. Subject to and without waiving the foregoing, Amtrak responds as follows:
 16 Notwithstanding Amtrak’s objections above, Amtrak previously produced applications and related
 17 records that it received in response to the jobs/vacancies to which Plaintiff contends he applied. To
 18 the extent F.J. Caron applied for any such position, his application and supporting documentation
 19 were produced.

20 **REQUEST NO. 22.**

21 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the identification of each
 22 African-American conductor who applied for an engineer position in the Pacific Division of
 23 Defendant AMTRAK from January 1998 to the present.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

25 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 26 Defendant further objects to this request as seeking information neither relevant to the claim or
 27 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

1 Defendant also objects to this request to the extent it seeks to obtain information or materials
 2 protected from disclosure by the California Constitutional right of privacy and/or the federally
 3 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
 4 Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 5 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 6 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 7 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally
 8 protected information has the burden of establishing that the information sought is directly relevant
 9 to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
 10 Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 11 FRD 518, 524. Subject to and without waiving the foregoing, Amtrak responds as follows:
 12 Notwithstanding Amtrak’s objections above, Amtrak previously produced applications and related
 13 records that it received in response to the jobs/vacancies to which Plaintiff contends he applied. To
 14 the extent any African-American conductor applied for any such position, such application and
 15 supporting documentation were produced.
 16

REQUEST NO. 23.

18 All DOCUMENTS THAT REFLECT, REFER or RELATE TO the race of all conductors who
 19 were voluntarily or involuntarily terminated in the Pacific Division of Defendant AMTRAK from
 20 January 1998 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

22 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 23 Defendant further objects to this request as seeking information neither relevant to the claim or
 24 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 25 Defendant also objects to this request to the extent it seeks to obtain information or materials
 26 protected from disclosure by the California Constitutional right of privacy and/or the federally
 27 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
 28 Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject

1 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 2 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 3 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally
 4 protected information has the burden of establishing that the information sought is directly relevant
 5 to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
 6 Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 7 FRD 518, 524. In addition, Amtrak objects to this request to the extent it calls for documents
 8 protected from disclosure by the attorney-client privilege and the attorney work product doctrine.

9 **REQUEST NO. 24.**

10 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the total number of African-
 11 American engineers hired in the Pacific Division of Defendant AMTRAK from January 1998 to the
 12 present.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

14 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 15 Defendant further objects to this request as seeking information neither relevant to the claim or
 16 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 17 Defendant also objects to this request to the extent it seeks to obtain information or materials
 18 protected from disclosure by the California Constitutional right of privacy and/or the federally
 19 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
 20 Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 21 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 22 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 23 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally
 24 protected information has the burden of establishing that the information sought is directly relevant
 25 to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
 26 Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 27 FRD 518, 524. In addition, Amtrak objects to this request to the extent it calls for documents

1 protected from disclosure by the attorney-client privilege and the attorney work product doctrine.

2 **REQUEST NO. 25.**

3 All DOCUMENTS THAT REFLECT, REFER or RELATE TO the total number of engineers
 4 hired in the Pacific Division of Defendant AMTRAK from January 1998 to the present.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

6 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 7 Defendant further objects to this request as seeking information neither relevant to the claim or
 8 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 9 Defendant also objects to this request to the extent it seeks to obtain information or materials
 10 protected from disclosure by the California Constitutional right of privacy and/or the federally
 11 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 12 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 13 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 14 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally
 15 protected information has the burden of establishing that the information sought is directly relevant
 16 to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 17 FRD 518, 524. In addition, Amtrak objects to this request to the extent it calls for documents
 18 protected from disclosure by the attorney-client privilege and the attorney work product doctrine.

21 **REQUEST NO. 26.**

23 All DOCUMENTS THAT REFLECT, REFER or RELATE TO the total number of conductors
 24 employed in the Pacific Division of Defendant AMTRAK from January 1998 to the present.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

26 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 27 Defendant further objects to this request as seeking information neither relevant to the claim or
 28 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

1 Defendant also objects to this request to the extent it seeks to obtain information or materials
 2 protected from disclosure by the California Constitutional right of privacy and/or the federally
 3 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
 4 Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 5 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 6 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 7 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally
 8 protected information has the burden of establishing that the information sought is directly relevant
 9 to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
 10 Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 11 FRD 518, 524. In addition, Amtrak objects to this request to the extent it calls for documents
 12 protected from disclosure by the attorney-client privilege and the attorney work product doctrine.
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REQUEST NO. 27.

14 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the total number of African-
 15 American conductors employed in the Pacific Division of Defendant AMTRAK from January 1998
 16 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

17 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 18 Defendant further objects to this request as seeking information neither relevant to the claim or
 19 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 20 Defendant also objects to this request to the extent it seeks to obtain information or materials
 21 protected from disclosure by the California Constitutional right of privacy and/or the federally
 22 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
 23 Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 24 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 25 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 26 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally
 27
 28

1 protected information has the burden of establishing that the information sought is directly relevant
 2 to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
 3 Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 4 FRD 518, 524. In addition, Amtrak objects to this request to the extent it calls for documents
 5 protected from disclosure by the attorney-client privilege and the attorney work product doctrine.

6 **REQUEST NO. 28.**

7 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the total number of African-
 8 American conductors who applied for engineer position(s) in the Pacific Division of Defendant
 9 AMTRAK from January 1998 to the present.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

11 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 12 Defendant further objects to this request as seeking information neither relevant to the claim or
 13 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 14 Defendant also objects to this request to the extent it seeks to obtain information or materials
 15 protected from disclosure by the California Constitutional right of privacy and/or the federally
 16 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
 17 Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 18 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 19 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 20 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally
 21 protected information has the burden of establishing that the information sought is directly relevant
 22 to the claims.”); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
 23 Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 24 FRD 518, 524. In addition, Amtrak objects to this request to the extent it calls for documents
 25 protected from disclosure by the attorney-client privilege and the attorney work product doctrine.
 26 Subject to and without waiving the foregoing, Amtrak responds as follows:
 27 Amtrak previously produced applications and related records that it received in response to the jobs/

1 vacancies to which Plaintiff contends he applied. To the extent any Amtrak conductor applied for
 2 any such position, such application and supporting documentation have been produced.

3 **REQUEST NO. 29.**

4 Any and all **DOCUMENTS** which **REFLECT, RELATE or REFER TO** derailments in the
 5 Pacific Division of Defendant AMTRAK between January 1, 1998 to the present.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

7 Defendant objects to this request on the basis it is overbroad, compound, and unduly burdensome.
 8 Defendant further objects to this request as seeking information neither relevant to the claim or
 9 defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.
 10 Defendant also objects to this request to the extent it seeks to obtain information or materials
 11 protected from disclosure by the California Constitutional right of privacy and/or the federally
 12 recognized right to privacy under the United States Constitution. See Board of Trustees of Leland
 13 Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject
 14 to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652,
 15 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo
 16 v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally
 17 protected information has the burden of establishing that the information sought is directly relevant
 18 to the claims."); Johnson by Johnson v. Thompson (10th Cir. 1992) 971 F.2d 1487, 1497; Miller v.
 19 Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88
 20 FRD 518, 524. In addition, Amtrak objects to this request to the extent it calls for documents
 21 protected from disclosure by the attorney-client privilege and the attorney work product doctrine.

22 Dated: April 3, 2007

PRICE AND ASSOCIATES

24 _____
 25 */s/ Pamela Y. Price*
 26 PAMELA Y. PRICE, Attorneys for Plaintiff
 27 JOHN EARL CAMPBELL
 28